

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SHURE INCORPORATED,)	
)	
and)	C.A. NO. 19-1343 (RGA)(CJB)
)	
SHURE ACQUISITION HOLDINGS, INC.,)	JURY TRIAL DEMANDED
)	
Plaintiffs,)	
)	
v.)	
)	
CLEARONE, INC.,)	
)	
Defendant.)	

JOINT CLAIM CONSTRUCTION CHART

Pursuant to Paragraph 12 of the Court’s Amended Scheduling Order (D.I. 73), Plaintiffs Shure Incorporated and Shure Acquisition Holdings, Inc. (collectively, “Shure”), and Defendant ClearOne, Inc. (“ClearOne”), hereby identify the disputed portions of the claim of U.S. Design Patent No. D865,723 (“the D’723 patent”). In the table below, the parties present their proposed constructions. A copy of the D’723 patent (Exhibit A), its file history (Exhibit B), and high-resolution drawing views from the file wrapper (Exhibit C) are additionally enclosed.

Claim	The Parties' Constructions
<p>“The ornamental design for an array microphone assembly, as shown and described”</p>	<p><u>Plaintiffs:</u></p> <p>The claimed design should be construed as:</p> <p>“The ornamental design for a single component article of manufacture, specifically an array microphone assembly, as shown in the solid lines and associated claimed surfaces of Figures 1-6 and described in the specification of the D’723 patent.”</p> <p>The claimed design should be considered as a whole and the broken lines in Figures 1-6 of the D’723 patent form no part of the claimed design. No features of the claimed design are purely functional and/or dictated solely by function, thus all features of the claimed design have ornamental design elements and should be included in the claim construction.</p> <p><u>Defendant:</u></p> <p>Indefinite. The scope of the claim is not clear with reasonable certainty because the ordinary observer would have no way of resolving the differences between Figure 2 (showing and claiming a pattern of sixteen slots around the periphery of the back panel) and Figure 4 (showing and claiming a square shaped back panel with no slots around the periphery).</p> <p>To the extent the claim can be construed, the Court should determine that the overall size and shape of the claimed array microphone assembly design is functional because, as the array microphone assembly is intended to replace a standard ceiling tile, the overall size and shape of the claimed array microphone assembly is dictated by the size and shape of a standard ceiling tile.</p> <p>To the extent the claim can be construed and the</p>

	<p>Court believes it should determine the appropriate article of manufacture at the claim construction phase, the Court should determine that the claimed design is for a multicomponent article of manufacture.</p>
--	--

Dated: April 6, 2020

McCARTER & ENGLISH, LLP

/s/ Brian R. Lemon

Michael P. Kelly (#2295)
Brian R. Lemon (#4730)
Alexandra M. Joyce (#6423)
405 N. King St., 8th Floor
Wilmington, DE 19801
(302) 984-6300
mkelly@mccarter.com
blemon@mccarter.com
ajoyce@mccarter.com

Gerald F. Ivey
Mareesa A. Frederick
Elizabeth D. Ferrill
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
(202) 408-4000

Elliot C. Cook
Alexander M. Boyer
David N. Lefcowitz
Joseph M. Schaffner
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
Two Freedom Square
11955 Freedom Drive
Reston, VA 20190-5675
(571) 203-2700

Counsel for Plaintiffs

MORRIS, NICHOLS, ARSHT &
TUNNELL LLP

/s/ Michael J. Flynn

Michael J. Flynn (#5333)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
mflynn@mnat.com

John C. Hueston
Douglas J. Dixon
Christina V. Rayburn
Sourabh Mishra
Maxwell Coll
HUESTON HENNIGAN LLP
620 Newport Center Drive. Ste. 1300
Newport Beach, CA 92660

Counsel for Defendant